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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2010-451**

12 **JULIE LYNN GRIFFIS,**
13 **aka JULIE LYNN HARTMAN**
14 **30206 Hillside Terrace**
San Juan Capistrano, CA 92675

A C C U S A T I O N

15 **Registered Nurse License No. 518995**

16 **Respondent.**

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about February 2, 1996, the Board of Registered Nursing issued Registered
24 Nurse License Number 518995 to Julie Lynn Griffis, aka Julie Lynn Hartman (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on March 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 2761, subdivision (a), states that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use of a controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

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4 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
5 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
6 section."

7 8. Code section 4060 states, in pertinent part:

8 "No person shall possess any controlled substance, except that furnished to a person
9 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
10 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
11 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a
12 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5,
13 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
14 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
15 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
16 pharmacist, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
17 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
18 with the name and address of the supplier or producer . . .

19 9. Health and Safety Code section 11170 states that no person shall prescribe,
20 administer, or furnish a controlled substance for himself.

21 10. Health and Safety Code section 11173, subdivision (a) states, in pertinent part, that
22 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to
23 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
24 misrepresentation, or subterfuge . . ."

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1 COST RECOVERY

2 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 DRUGS

7 12. "Dilaudid" is a Schedule II controlled substance pursuant to Health and Safety Code
8 section 11055(b)(1)(k) and a dangerous drug per Business and Professions Code section 4022.
9 Dilaudid is a brand name for the generic drug Hydromorphone and is used to treat pain.

10 FACTUAL ALLEGATIONS

11 Mission Hospital

12 13. Respondent was employed as a nurse at Mission Hospital, Mission Viejo, California,
13 from July 12, 1999 to August 16, 2006. During that time, Respondent made inaccurate entries in
14 hospital and patient medical records and took patients' medications as follows:

15 Patient 41:

16 a. On January 12, 2006, at 1325 hours, Respondent withdrew from the Pyxis¹ two
17 doses of Hydromorphone (Dilaudid) 2mgs. each. Respondent charted in the MAR that she gave
18 the patient 1 mg. Dilaudid at 1325 hours and there is no record of wastage. Three (3) mg.
19 Dilaudid are unaccounted for.

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25 ¹ Pyxis" is a trade name for the automatic single-unit dose medication dispensing system
26 that records information such as patient name, physician orders, date and time medication was
27 withdrawn, and the name of the licensed individual who withdrew and administered the
28 medication. Each user/operator is given a user identification code to operate the control panel.
Sometimes only portions of the withdrawn narcotics are given to the patient. The portions not
given to the patient are referred to as "wastage." This waste must be witnessed by another
authorized user and is also recorded by the Pyxis machine.

1 Patient 135:

2 b. On January 30, 2006, at 1521 hours, Respondent withdrew from the Pyxis
3 2 mg. Dilaudid. There is no indication in the MAR that the medication withdrawn by Respondent
4 was administered to the patient. There is no record of wastage for the medication withdrawn by
5 Respondent. Two (2) mg. Dilaudid are unaccounted for.

6 Patient 173:

7 c. On February 7, 2006, at 1019 hours, Respondent withdrew from the Pyxis 2 mgs.
8 Dilaudid. There is no indication in the MAR that the medication withdrawn by Respondent was
9 administered to the patient. There is no record of wastage for the medication withdrawn by
10 Respondent. Two (2) mg. Dilaudid are unaccounted for.

11 Patient 192:

12 d. On February 21, 2006, at 1211 hours, Respondent withdrew from the Pyxis 2 mgs.
13 Dilaudid. There is no indication in the MAR that the medication withdrawn by
14 Respondent was administered to the patient. There is no record of wastage for the medication
15 withdrawn by Respondent. Two (2) mg. Dilaudid are unaccounted for.

16 Patient 277:

17 e. On March 11, 2006, at 1505 hours, Respondent withdrew from the Pyxis 2 mgs.
18 Dilaudid without a physician's order. There is no indication in the MAR that the medication
19 withdrawn by Respondent was administered to the patient. There is no record of wastage for the
20 medication withdrawn by Respondent. Two (2) mg. Dilaudid are unaccounted for.

21 Patient 285:

22 f. On March 12, 2006, at 1610 hours, Respondent withdrew from the Pyxis 2 mgs.
23 Dilaudid without a physician's order. There is no indication in the MAR that the medication
24 withdrawn by Respondent was administered to the patient. There is no record of wastage for the
25 medication withdrawn by Respondent. Two (2) mg. Dilaudid are unaccounted for.

26 14. In or about March of 2006, during an investigation being conducted by Mission
27 Hospital staff regarding Respondent's excessive removal of injectable Dilaudid from Pyxis,
28 Respondent admitted to Mission Hospital staff that she took Dilaudid for her own personal use.

1 15. In or about May of 2009, during an interview of Respondent by a Board
2 investigator, Respondent admitted to the investigator that she diverted hydromorphone (Dilaudid)
3 and, at times, morphine, for two years while employed at Mission Hospital for her own personal
4 use. Respondent told the investigator that she diverted and used medications to alleviate the pain
5 associated with withdrawal symptoms. Respondent further told the investigator that she initially
6 administered the hydromorphone through intramuscular injections, and that during the last six
7 months of her use, she administered the hydromorphone intravenously.

8 **Saint Jude Hospital**

9 16. Respondent was employed as a registry nurse at Saint Jude Medical Center, San
10 Clemente, California, from January 2007 to November 2007. During that time, Respondent made
11 inaccurate entries in hospital and patient medical records and took patients' medications as
12 follows:

13 Patient 1:

14 a. On November 13, 2007, at 0533 hours, Respondent withdrew from the Pyxis
15 2 mgs. Dilaudid without a physician's order. There is no indication in the MAR that the
16 medication withdrawn by Respondent was administered to the patient. There is no record of
17 wastage for the medication withdrawn by Respondent. Two (2) mg. Dilaudid are unaccounted
18 for.

19 Patient 2:

20 b. On November 13, 2007, at 1536 hours, Respondent withdrew from the Pyxis
21 2 mgs. Dilaudid. There is an entry in the patient's MAR ordering 2 mgs. of Dilaudid, however, a
22 supervising nurse confirmed with the patient's doctor that the doctor had not ordered the Dilaudid
23 for this patient. The patient was interviewed by the nurse and the patient denied having received
24 the medication. There is no record of wastage for the medication withdrawn by Respondent.
25 Two (2) mg. Dilaudid are unaccounted for.

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1 Patient 3:

2 c. On November 13, 2007, at 2053 hours, Respondent withdrew from the Pyxis
3 2 mgs. Dilaudid pursuant to a physician's order. Respondent did not document the medication
4 was given to the patient. There is no record of wastage for the medication withdrawn by
5 Respondent. Two (2) mg. Dilaudid are unaccounted for.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(False Entries in Hospital/Patient Records)**

8 17. Respondent is subject to disciplinary action under section 2761(a), on the grounds of
9 unprofessional conduct, as defined in Code section 2762(e), in that between or about January 12,
10 2006 and November 13, 2007, while on duty as a registered nurse at Mission Hospital, Mission
11 Viejo, California, and Saint Jude Medical Center, Fullerton, California, Respondent falsified, or
12 made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other
13 records pertaining to the controlled substance Dilaudid, as is detailed in paragraphs 13 and 16,
14 above, which are incorporated herein by reference.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Obtain, Possess and Administered Controlled Substances)**

17 18. Respondent is subject to disciplinary action pursuant to Code section 2761(a), on the
18 grounds of unprofessional conduct, as defined by Code section 2762(a), in that between or about
19 January 12, 2006 and November 13, 2007, while on duty as a registered nurse at Mission Hospital
20 and Saint Jude Medical Center, Respondent obtained, possessed, and administered to herself the
21 controlled substance Dilaudid, as set forth in paragraphs 13 through 16, above, which are
22 incorporated herein by reference.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Use of a Controlled Substance in a Manner Dangerous or Injurious to Self)**

25 19. Respondent is subject to disciplinary action under Code sections 2761(a), and
26 2762(b), in that Respondent used a controlled substance to an extent or in a manner dangerous or
27 injurious to herself, as is more fully set forth in paragraphs 13 through 16, above, which are
28 incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 518995, issued to Julie Lynn Griffis, aka Julie Lynn Hartman;
2. Ordering Julie Lynn Griffis, aka Julie Lynn Hartman, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

3/18/10

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2009804981